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SILICON VALLEY ANIMAL CONTROL  
AUTHORITY, AL DAVIS, ANTJE MORRIS  
AND CITY OF CAMPBELL

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA - SAN JOSE

LEE JACKSON and KENNETH JACKSON,	)	Case No. C07 05667 RS
	)	
Plaintiffs,	)	DECLARATION OF DIRK D.
	)	LARSEN IN SUPPORT OF
v.	)	DEFENDANTS SILICON
	)	VALLEY ANIMAL CONTROL
SILICON VALLEY ANIMAL CONTROL	)	AUTHORITY, AL DAVIS, ANTJE
AUTHORITY, CITY OF SANTA CLARA, CITY	)	MORRIS AND CITY OF
OF CAMPBELL, HUMANE SOCIETY SILICON	)	CAMPBELL'S MOTION FOR
VALLEY DOES 1 TO 20,	)	SUMMARY JUDGMENT, OR IN
	)	THE ALTERNATIVE, PARTIAL
Defendants.	)	SUMMARY JUDGMENT

Date: September 3, 2008  
Time: 9:30 a.m.  
Courtroom: 4, 5th Floor  
Judge: Hon. Richard Seeborg

I, DIRK D. LARSEN, declare as follows:

1. I have personal knowledge of the following facts, and could and would testify competently thereto if called upon to do so.

2. I am an attorney at law duly licensed to practice before all courts of the State of California and before the U.S. District Court for the Northern District of California, and am an associate employed by the law firm of Low, Ball & Lynch, attorneys of record herein for defendants SILICON VALLEY ANIMAL CONTROL AUTHORITY, AL DAVIS, ANTJE MORRIS and CITY OF CAMPBELL

1           3.       A true and correct copy of plaintiffs KENNETH JACKSON and LEE JACKSON's first  
2 amended complaint in this matter, filed on September 24, 2007, is attached hereto as Exhibit 1 and  
3 incorporated by this reference.

4           4.       A true and correct copy of the cited portions of the transcript of the deposition of plaintiff  
5 Kenneth Jackson, taken in this action on June 11, 2008, is attached hereto as Exhibit 2 and incorporated  
6 by this reference.

7           5.       A true and correct copy of the cited portions of the transcript of the deposition of plaintiff  
8 Lee Jackson, taken in this action on June 11, 2008, is attached hereto as Exhibit 3 and incorporated by  
9 this reference.

10           I swear under penalty of perjury under the laws of the State of California that the foregoing is  
11 true and correct to the best of my own personal knowledge.

12  
13           Executed this 29th day of July, 2008, in San Francisco, California.

14  
15             
16           \_\_\_\_\_  
17           DIRK D. LARSEN

**EXHIBIT 1**

PLD-PI-001	
<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  <b>Stuart M. Wilson</b>  <b>SBN 94633</b>  <b>1671 The Alameda, Suite 300</b>  <b>San Jose, California 95126</b></p> <p>TELEPHONE NO: <b>(408) 293-8400</b>      FAX NO. (Optional): <b>(408) 293-0714</b></p> <p>E-MAIL ADDRESS (Optional): _____</p> <p>ATTORNEY FOR (Name): <b>Plaintiffs</b></p>	<p>FOR COURT USE ONLY</p> <p style="font-size: 24pt; font-weight: bold;">ENDORSED</p> <p style="font-size: 18pt;">2007 SEP 24 P 3: 23</p> <p style="font-size: 12pt;">CLERK OF COURT  <b>A. HARRIS</b>          _____</p>
<p><b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Santa Clara</b></p> <p>STREET ADDRESS: <b>191 North First Street</b></p> <p>MAILING ADDRESS: <b>San Jose, California 95113</b></p> <p>CITY AND ZIP CODE: _____</p> <p>BRANCH NAME: <b>Downtown - Unlimited Jurisdiction</b></p>	
<p><b>PLAINTIFF: Lee Jackson and Kenneth Jackson</b></p>	
<p><b>DEFENDANT: Silicon Valley Animal Control Authority, City of Santa Clara, City of Campbell, Humane Society</b></p> <p><input checked="" type="checkbox"/> DOES 1 TO 20 <b>Silicon Valley, Al Davis and A. Morris</b></p>	
<p><b>COMPLAINT—Personal Injury, Property Damage, Wrongful Death</b></p> <p><input checked="" type="checkbox"/> <b>AMENDED (Number): FIRST</b></p> <p>Type (check all that apply):</p> <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> <b>MOTOR VEHICLE</b>  <input checked="" type="checkbox"/> <b>Property Damage</b>  <input checked="" type="checkbox"/> <b>Personal Injury</b> </div> <div> <input checked="" type="checkbox"/> <b>OTHER (specify):</b>  <input type="checkbox"/> <b>Wrongful Death</b>  <input type="checkbox"/> <b>Other Damages (specify):</b> </div> </div>	
<p><b>Jurisdiction (check all that apply):</b></p> <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> <b>ACTION IS A LIMITED CIVIL CASE</b>            Amount demanded <input type="checkbox"/> does not exceed \$10,000  <input type="checkbox"/> exceeds \$10,000, but does not exceed \$25,000         </div> <div> <input checked="" type="checkbox"/> <b>ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000)</b>  <input type="checkbox"/> <b>ACTION IS RECLASSIFIED by this amended complaint</b>  <input type="checkbox"/> from limited to unlimited  <input type="checkbox"/> from unlimited to limited         </div> </div>	
<p>CASE NUMBER:</p> <p style="font-size: 18pt; text-align: center;">1-07-CV-079050</p>	

1. **Plaintiff (name or names):** Lee Jackson and Kenneth Jackson  
alleges causes of action against **defendant (name or names):** Silicon Valley Animal Control Authority, City of Santa Clara, City of Campbell, Humane Society Silicon Valley, Al Davis and A. Morris
2. This pleading, including attachments and exhibits, consists of the following number of pages: 13 pages total.
3. Each plaintiff named above is a competent adult
- a. ☐ **except plaintiff (name):**
- (1) ☐ a corporation qualified to do business in California
- (2) ☐ an unincorporated entity (describe):
- (3) ☐ a public entity (describe):
- (4) ☐ a minor ☐ an adult
- (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
- (b) ☐ other (specify):
- (5) ☐ other (specify):
- b. ☐ **except plaintiff (name):**
- (1) ☐ a corporation qualified to do business in California
- (2) ☐ an unincorporated entity (describe):
- (3) ☐ a public entity (describe):
- (4) ☐ a minor ☐ an adult
- (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
- (b) ☐ other (specify):
- (5) ☐ other (specify):

☐ Information about additional plaintiffs who are not competent adults is shown in Attachment 3.

SHORT TITLE:

Jackson v. Silicon Valley Animal Control Authority

PLD-PI-001

CASE NUMBER:

1-07-CV-079050

4. ☐ Plaintiff (name):

is doing business under the fictitious name (specify):

and has complied with the fictitious business name laws.

5. Each defendant named above is a natural person

a. ☒ except defendant (name): Silicon Valley / Animal Control Authority  
(1) ☐ a business organization, form unknown  
(2) ☐ a corporation  
(3) ☐ an unincorporated entity (describe):(4) ☒ a public entity (describe):

Form Unknown

(5) ☐ other (specify):c. ☒ except defendant (name): City of Campbell  
(1) ☐ a business organization, form unknown  
(2) ☐ a corporation  
(3) ☐ an unincorporated entity (describe):(4) ☒ a public entity (describe):

City

(5) ☐ other (specify):b. ☒ except defendant (name): City of Santa Clara(1) ☐ a business organization, form unknown  
(2) ☐ a corporation  
(3) ☐ an unincorporated entity (describe):(4) ☒ a public entity (describe):

City

(5) ☐ other (specify):d. ☒ except defendant (name): Humane Society Silicon Valley  
(1) ☒ a business organization, form unknown  
(2) ☐ a corporation  
(3) ☐ an unincorporated entity (describe):(4) ☐ a public entity (describe):(5) ☐ other (specify):☐ Information about additional defendants who are not natural persons is contained in Attachment 5.

6. The true names of defendants sued as Does are known to plaintiff.

a. ☒ Doe defendants (specify Doe numbers): 1 to 10 were the agents or employees of other named defendants and acted within the scope of that agency or employment.b. ☒ Doe defendants (specify Doe numbers): 11 to 20

are persons whose capacities are unknown to plaintiff.

7. ☐ Defendants who are joined under Code of Civil Procedure section 382 are (names):

8. This court is the proper court because

a. ☐ at least one defendant now resides in its jurisdictional area.b. ☐ the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.c. ☒ injury to person or damage to personal property occurred in its jurisdictional area.d. ☐ other (specify):9. ☒ Plaintiff is required to comply with a claims statute, anda. ☒ has complied with applicable claims statutes, ~~or~~ pursuant to Govt. Code 910, et seq.b. ☐ is excused from complying because (specify):

PLD-PI-001

SHORT TITLE:

Jackson v. Silicon Valley Animal Control Authority

CASE NUMBER:

1-07-CV-079050

10. The following causes of action are attached and the statements above apply to each (each complaint must have one or more causes of action attached):

- a. ☐ Motor Vehicle
- b. ☐ General Negligence
- c. ☒ Intentional Tort
- d. ☐ Products Liability
- e. ☐ Premises Liability
- f. ☒ Other (specify):

Exemplary Damages

11. Plaintiff has suffered

- a. ☐ wage loss
- b. ☒ loss of use of property
- c. ☒ hospital and medical expenses
- d. ☒ general damage
- e. ☒ property damage
- f. ☐ loss of earning capacity
- g. ☒ other damage (specify):

Other damage not known at this time

12. ☐ The damages claimed for wrongful death and the relationships of plaintiff to the deceased are
- a. ☐ listed in Attachment 12.
  - b. ☐ as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

14. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. (1) ☒ compensatory damages
- (2) ☒ punitive damages

The amount of damages is (in cases for personal injury or wrongful death, you must check (1)):

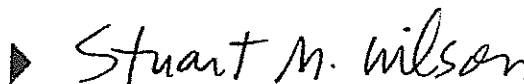
- (1) ☒ according to proof
- (2) ☐ in the amount of: \$

15. ☐ The paragraphs of this complaint alleged on information and belief are as follows (specify paragraph numbers):

Date: September 24, 2007

Stuart M. Wilson

(TYPE OR PRINT NAME)



(SIGNATURE OF PLAINTIFF OR ATTORNEY)

PLD-PI-001(3)

SHORT TITLE: Jackson v. Silicon Valley Animal Control Authority	CASE NUMBER I-07-CV-079050
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FIRST \_\_\_\_\_ CAUSE OF ACTION—Intentional Tort Page 4  
(number)

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

IT-1. Plaintiff (name): Lee Jackson and Kenneth Jackson

alleges that defendant (name): Silicon Valley Animal Control Authority, City of Santa Clara, Al Davis and  
A. Morris

☒ Does 1 to 20

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant intentionally caused the damage to plaintiff  
on (date) December 19, 2005  
at (place) Santa Clara, California

(description of reasons for liability):

Defendants unlawfully entered Plaintiff's motorhome, unlawfully seized Plaintiffs' pet animals, unlawfully detained Plaintiffs and assaulted and battered Lee Jackson, causing Plaintiffs severe mental, emotional and physical harm and depriving them of their property, pet animals in violation of their rights under the U.S. Constitution, Amendment 4 and California Constitution, Article 1, Section 13.

PLD-PI-001(3)

SHORT TITLE: Jackson v. Silicon Valley Animal Control Authority	CASE NUMBER I-07-CV-079050
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SECOND

(number)

## CAUSE OF ACTION—Intentional Tort

Page 5

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

IT-1. Plaintiff (name): Lee Jackson and Kenneth Jackson

alleges that defendant (name): City of Campbell

☒ Does 1 to 20

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant intentionally caused the damage to plaintiff  
on (date) December 22, 2005  
at (place) Santa Clara, California

(description of reasons for liability):

Defendant unlawfully conducted a post-seizure hearing in which Defendant found that the seizure of Plaintiffs' property on 12-19-05 was lawful. Said finding was a denial of the due process rights of Plaintiffs and was an abuse of discretion violating Plaintiff's rights to a fair due process hearing.



PLD-PI-001(3)

SHORT TITLE: Jackson v. Silicon Valley Animal Control Authority	CASE NUMBER I-07-CV-079050
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THIRD **CAUSE OF ACTION—Intentional Tort** Page 6  
(number)

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

IT-1. Plaintiff (name): Lee Jackson and Kenneth Jackson

alleges that defendant (name): Silicon Valley Animal Control Authority and City of Santa Clara

☒ Does 1 to 20

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant intentionally caused the damage to plaintiff  
on (date) December 19, 2005  
at (place) Santa Clara, California

(description of reasons for liability):

Defendants negligently hired, trained and supervised employees including A. Morris, Al Davis, and others not known by name who participated in the events surrounding the unlawful seizure of Plaintiffs' pet animals on 12-19-05.

PLD-PI-001(3)

SHORT TITLE: Jackson v. Silicon Valley Animal Control Authority	CASE NUMBER I-07-CV-079050
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FOURTH **CAUSE OF ACTION—Intentional Tort** Page 7  
(number)

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

IT-1. Plaintiff (name): Lee Jackson and Kenneth Jackson

alleges that defendant (name): Silicon Valley Animal Control Authority, City of Santa Clara, Al Davis and  
A. Morris

☒ Does 1 to 20

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant intentionally caused the damage to plaintiff  
on (date) December 19, 2005  
at (place) Santa Clara, California

(description of reasons for liability):

Defendants unlawfully entered Plaintiff's motorhome, unlawfully seized Plaintiffs' pet animals, unlawfully detained Plaintiffs and assaulted and battered Lee Jackson, causing Plaintiffs severe mental, emotional and physical harm and depriving them of their property, pet animals in violation of their rights under the U.S. Constitution, Amendment 4 and California Constitution, Article 1, Section 13, thereby negligently inflicting severe emotional and mental suffering and distress upon the Plaintiffs.

PLD-PI-001(3)

SHORT TITLE: Jackson v. Silicon Valley Animal Control Authority	CASE NUMBER 1-07-CV-079050
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FIFTH

(number)

**CAUSE OF ACTION—Intentional Tort**

Page 8

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

IT-1. Plaintiff (name): Lee Jackson and Kenneth Jackson

alleges that defendant (name): Silicon Valley Animal Control Authority, City of Santa Clara, Al Davis and  
A. Morris☒ Does 1 to 20

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant intentionally caused the damage to plaintiff  
on (date) December 19, 2005  
at (place) Santa Clara, California

(description of reasons for liability):

Defendants unlawfully entered Plaintiff's motorhome, unlawfully seized Plaintiffs' pet animals, unlawfully detained Plaintiffs and assaulted and battered Lee Jackson, causing Plaintiffs severe mental, emotional and physical harm and depriving them of their property, pet animals in violation of their rights under the U.S. Constitution, Amendment 4 and California Constitution, Article 1, Section 13. Said acts constitute assault and battery in violation of Penal Code sections 241 and 242.

PLD-PI-001(3)

SHORT TITLE: Jackson v. Silicon Valley Animal Control Authority	CASE NUMBER 1-07-CV-079050
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SIXTH **CAUSE OF ACTION—Intentional Tort** Page 9  
(number)

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

IT-1. Plaintiff (name): Lee Jackson and Kenneth Jackson

alleges that defendant (name): Silicon Valley Animal Control Authority, City of Santa Clara, Al Davis and  
A. Morris

☒ Does 1 to 20

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant intentionally caused the damage to plaintiff  
on (date) December 19, 2005  
at (place) Santa Clara, California

(description of reasons for liability):

Defendants unlawfully entered Plaintiff's motorhome, unlawfully seized Plaintiffs' pet animals, unlawfully detained Plaintiffs and assaulted and battered Lee Jackson, causing Plaintiffs severe mental, emotional and physical harm and depriving them of their property, pet animals in violation of their rights under the U.S. Constitution, Amendment 4 and California Constitution, Article 1, Section 13. By said acts Defendants intentionally inflicted severe emotional and mental suffering and distress upon Plaintiffs.

PLD-PI-001(3)

SHORT TITLE:

Jackson v. Silicon Valley Animal Control Authority

CASE NUMBER

1-07-CV-079050

SEVENTH

(number)

**CAUSE OF ACTION—Intentional Tort**Page 10ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

IT-1. Plaintiff (name): Lee Jackson and Kenneth Jackson

alleges that defendant (name): Silicon Valley Animal Control Authority, City of Santa Clara, Al Davis  
and A. Morris☒ Does 1 to 20

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant intentionally caused the damage to plaintiff  
on (date) December 19, 2005  
at (place) Santa Clara, California

(description of reasons for liability):

Defendants unlawfully entered Plaintiff's motorhome, unlawfully seized Plaintiffs' pet animals, unlawfully detained Plaintiffs and assaulted and battered Lee Jackson, causing Plaintiffs severe mental, emotional and physical harm and depriving them of their property, pet animals in violation of their rights under the U.S. Constitution, Amendment 4 and California Constitution, Article 1, Section 13. Plaintiffs were the lawful owners of said pet animals and were entitled to possession of the animals. By seizing the pet animals Defendants unlawfully converted the pet animals to their use in violation of Penal Code section 597.1(g).

PLD-PI-001(3)

SHORT TITLE: Jackson v. Silicon Valley Animal Control Authority	CASE NUMBER 1-07-CV-079050
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EIGHTH CAUSE OF ACTION—Intentional Tort Page 11  
(number)

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

IT-1. Plaintiff (name): Lee Jackson and Kenneth Jackson

alleges that defendant (name): Silicon Valley Animal Control Authority, City of Santa Clara, Al Davis and A. Morris

☒ Does 1 to 20

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant intentionally caused the damage to plaintiff  
on (date) December 19, 2005  
at (place) Santa Clara, California

(description of reasons for liability):

Defendants unlawfully entered Plaintiff's motorhome, unlawfully seized Plaintiffs' pet animals, unlawfully detained Plaintiffs and assaulted and battered Lee Jackson, causing Plaintiffs severe mental, emotional and physical harm and depriving them of their property, pet animals in violation of their rights under the U.S. Constitution, Amendment 4 and California Constitution, Article 1, Section 13. Such acts violated Plaintiffs' rights to be free of unreasonable searches and seizures under the Fourth and Fourteenth Amendments to the U.S. Constitution and is actionable under 41 U.S.C. 1983.

Page 1 of 1

PLD-PI-001(3)

SHORT TITLE: Jackson v. Silicon Valley Animal Control Authority	CASE NUMBER 1-07-CV-079050
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NINTH

(number)

**CAUSE OF ACTION—Intentional Tort**

Page 12

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

IT-1. Plaintiff (name): Lee Jackson and Kenneth Jackson

alleges that defendant (name): Humane Society Silicon Valley

☒ Does 1 to 20

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant intentionally caused the damage to plaintiff  
on (date) December 19, 2005  
at (place) Santa Clara, California

(description of reasons for liability):

Defendant took possession of Plaintiffs' pet animals that had been seized by the Silicon Valley Animal Control Authority and converted them to their own use.

PLD-PI-001(6)

SHORT TITLE:

Jackson v. Silicon Valley Animal Control Authority

CASE NUMBER:

1-07-CV-079050

**Exemplary Damages Attachment**

Page 13

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

EX-1. As additional damages against defendant (name):

Al Davis and A. Morris

Plaintiff alleges defendant was guilty of

☒ malice☒ fraud☒ oppression

as defined in Civil Code section 3294, and plaintiff should recover, in addition to actual damages, damages to make an example of and to punish defendant.

EX-2. The facts supporting plaintiff's claim are as follows:

Defendants unlawfully entered Plaintiff's motorhome, unlawfully seized Plaintiffs' pet animals, unlawfully detained Plaintiffs and assaulted and battered Lee Jackson, causing Plaintiffs severe mental, emotional and physical harm and depriving them of their property, pet animals in violation of their rights under the U.S. Constitution, Amendment 4 and California Constitution, Article 1, Section 13.

EX-3. The amount of exemplary damages sought is

a. ☒ not shown, pursuant to Code of Civil Procedure section 425.10.b. ☐ \$

Page 1 of 1



**EXHIBIT 2**

CERTIFIED COPY

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

---oOo---

LEE JACKSON and KENNETH JACKSON,  
Plaintiffs,

vs.

No. C08-05667RS

SILICON VALLEY ANIMAL CONTROL  
AUTHORITY; CITY OF SANTA CLARA;  
CITY OF CAMPBELL; HUMANE SOCIETY  
SILICON VALLEY and DOES 1 to 20,

Defendants.

---

DEPOSITION OF KENNETH JACKSON

Wednesday, June 11, 2008

Reported by:  
MARSHA SIMPSON  
CSR No. 2771

ROOMIAN & ASSOCIATES  
Certified Shorthand Reporters  
225 Bush Street, Suite 348  
San Francisco, CA 94104  
(415) 362-5920

## I N D E X

WITNESS:	KENNETH JACKSON	PAGE
	Examination by Mr. Hazelwood	5
	Examination by Ms. Nguyen	98
	Examination by Ms. Freedman	103

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## EXHIBITS

A	Four-page Notice of Deposition	5
B	One-page Inventory List	30
C	Eight pages of color photographs	52
D	Four pages of color photographs	55
E	One-page photograph of Justice	56
F	One-page photograph of Kalua	57
G	One-page photograph of Shalaan	57
H	19 pages of color photographs	58
I	One page of Notice Seizure of Animals and Declaration of Ownership or Right to Keep Animal	76
J	One-page letter dated December 21, 2005, to Mr. & Mrs. Kenneth Jackson from Albert J. Davis	78
K	One-page letter dated December 22, 2005, to Mr. and Mrs. Kenneth Jackson from Russ Patterson	82
L	Two-page Findings in Support of Decision Affirming Seizure and Impoundment	83
M	Two-page letter dated December 22, 2005, to Mr. & Mrs. Kenneth Jackson from Albert J. Davis	91

1 BE IT REMEMBERED THAT, that, pursuant to  
2 Notice of Taking Deposition, and on Wednesday, the 11th  
3 day of June, 2008, commencing at the hour of 10:25 a.m.  
4 thereof at 96 North Third Street, Suite 500, San Jose,  
5 California, before me, MARSHA SIMPSON, a Certified  
6 Shorthand Reporter in the State of California, there  
7 personally appeared

8 KENNETH JACKSON,  
9 called as a witness herein, who, being by me first duly  
10 sworn, was thereupon examined and testified as is  
11 hereinafter set forth.  
12  
13

14 A P P E A R A N C E S

15 LAW OFFICE OF STUART M. WILSON, 1671 The  
16 Alameda, Suite 300, San Jose, California 95126,  
17 represented by STUART M. WILSON, Attorney at Law,  
18 appeared as counsel on behalf of Plaintiffs.

19 LOW, BALL & LYNCH, 505 Montgomery Street,  
20 Seventh Floor, San Francisco, California 94111,  
21 represented by MARK F. HAZELWOOD, Attorney at Law,  
22 appeared as counsel on behalf of Defendants Silicon  
23 Valley Animal Control Authority and City of Campbell.

24 //

25 //

1 RANKIN, LANDSNESS, LAHDE, SERVERIAN & STOCK,  
2 96 North Third Street, Suite 500, San Jose, California  
3 95112-5572, represented by ALYSSA T. NGUYEN, Attorney at  
4 Law, appeared as counsel on behalf of Defendant City of  
5 Santa Clara.

6 JOSEPH COSTELLA & ASSOCIATES, 215 Lennon Lane,  
7 Suite 200, Walnut Creek, California 94598, represented  
8 by KARRIN FREEDMAN, Attorney at Law, appeared as counsel  
9 on behalf of Defendant Humane Society Silicon Valley.  
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1           A.     I remember the approximate time but not the  
2 exact date.

3           Q.     Give me your best --

4           A.     It was approximately one week before Christmas  
5 in 2005.

6           Q.     All right. It's my understanding it was  
7 December 19, 2005. Does that sound right to you?

8           A.     Yes, it does.

9           Q.     Okay. And as of that date were you living in  
10 the motorhome?

11          A.     Yes, we were.

12          Q.     And did you have the motorhome fixed at a  
13 certain location at that time?

14          A.     Generally we were parked by the Safeway store  
15 where I work. We had the permission of the management  
16 there.

17          Q.     What's the address of that Safeway store?

18          A.     It's called Rivermark Plaza. I'm not sure of  
19 the street address, but it's part of the plaza there.

20          Q.     Okay. That's --

21          A.     In Santa Clara.

22          Q.     -- in Santa Clara?

23          A.     On Agnews Road and Monterey Expressway is the  
24 crossroads there.

25          Q.     Now at that time were you parked on a street

1 Q. I see.

2 A. We were stopping there -- I don't know what  
3 detail you want me to go into.

4 Q. Go ahead, please.

5 A. We were stopping there to stop for a moment to  
6 get a Christmas gift from a lady who was going to give  
7 it to us there, and then we were proceeding to a  
8 veterinary clinic in Santa Cruz in our motorhome.  
9 That's how I happened to remember it.

10 Q. Okay. So let me go back. What were your work  
11 hours at that time?

12 A. That particular day -- they vary somewhat from  
13 day-to-day. I usually work four hours a day, and it  
14 was, I believe, 8:00 to 12:00 that day. It was either  
15 8:00 to 12:00 or 7:00 to 1:00, but I think 8:00 to  
16 12:00.

17 Q. Okay. And then did your wife pick you up at  
18 work in the motorhome?

19 A. No. I was right there at the place of  
20 business.

21 Q. Okay. So had you driven to work in the  
22 motorhome that morning?

23 A. No. The motorhome is parked right there where  
24 I work.

25 Q. I see. Where -- and forgive me. Where is

1 where you normally keep the motorhome outside of the  
2 Safeway on the street in relation to the Mervyn's Plaza?

3 A. Usually we keep our motorhome right there at  
4 the Safeway.

5 Q. Right. Okay. All right. Oh, I see. All  
6 right. So you came out from work, the motorhome was  
7 there, and then you drove off to the Mervyn's Plaza?

8 A. Correct. I walked out the door about ten  
9 steps and got to the motorhome, and we were off and  
10 running.

11 Q. How close is Mervyn's Plaza to where you kept  
12 the motorhome?

13 A. Four miles, perhaps.

14 Q. Okay. All right. And so then you parked the  
15 motorhome in the parking lot of the Mervyn's Plaza?

16 A. We were going to park it there briefly to pick  
17 up a gift, and then we were leaving immediately to go  
18 over the hill to Santa Cruz to the veterinary clinic.

19 Q. Okay. So did you actually go into the parking  
20 lot?

21 A. We drove into the parking lot.

22 Q. Okay. Did you park there?

23 A. We stopped there; yes.

24 Q. Okay. And did you go into one of the stores  
25 to get the gift?



1 Q. All right. And at that time you have told us  
2 about the two dogs, Minnilinn and Calae?

3 A. Calae.

4 Q. Calae, excuse me. How many total animals did  
5 you have at that time that you were keeping inside the  
6 motorhome?

7 A. Twenty. Two more than the previous number I  
8 gave you. The previous number I gave you was 18. And  
9 then we had those two feral cats that we had trapped  
10 there.

11 Q. Okay. So your best estimate it was six dogs  
12 and fourteen cats?

13 A. Yes. That would be 18, though, wouldn't it?

14 Q. Well, six and fourteen.

15 A. Okay. Yeah.

16 Q. Okay. Actually I had a total of 21. Why  
17 don't we do this. I'm going to -- we have marked as  
18 Exhibit A the Notice of the Deposition today. I'm going  
19 to show you, just to help see if we can identify the  
20 number, this is an inventory list that came from either  
21 the Silicon Valley Animal Control Authority or the  
22 Humane Society. And I'm just showing this because it  
23 has the names of the animals. And I have here, there's  
24 a total of 21 animals here. So I just want you to take  
25 a look at this and see if that refreshes your

1 recollection on the number.

2 A. That's probably correct. So I'm right on the  
3 dogs. Okay. This is correct.

4 Q. Okay. All right.

5 A. I was mistaken.

6 Q. That's okay. That's why I wanted to show it  
7 to you, so we're right on the number.

8 A. Other than some misspellings. But otherwise  
9 it's correct.

10 Q. Okay. Why don't -- we are going to mark this  
11 document, this Inventory List, as Exhibit B.

12 (Exhibit B was marked for identification.)

13 MR. HAZELWOOD: Q. All right. Did you and  
14 your wife consider yourself the owners of all 21 of  
15 these pets, of these animals?

16 A. Yes. Correction. Other than those two feral  
17 cats; yes.

18 Q. All right. And with regard to the two feral  
19 cats, what was the -- were you just holding them, or  
20 what was your thinking on those?

21 A. My wife had a friend who was very interested  
22 in adopting them.

23 Q. Where had you gotten the two feral cats?

24 A. They were in the parking lot at the Bridge  
25 Bank, which is in the plaza there at Mervyn's.

1 going too fast for you?

2 Q. You are doing great.

3 A. Brandy and Kahlua, four years. Shalaan, the  
4 last one, seven years. I'm really hesitant about that,  
5 because I'm not that firm in my mind. My memory is  
6 really bad.

7 Q. All right. How about what can you tell me as  
8 far as the cats? We've gone over the two feral cats.

9 A. Yes.

10 Q. We know that.

11 A. Yeah.

12 Q. Let's go off the record for just a second.

13 (Interruption.)

14 THE WITNESS: I can tell you one of them.

15 MR. HAZELWOOD: Hold on a second. Let's go  
16 back on the record. Go ahead.

17 THE WITNESS: Talia, I can tell you, number 14  
18 on the cat list, that she is about 14 years, I believe.

19 MR. HAZELWOOD: Q. Okay.

20 A. But I really would be reluctant to hazard a  
21 guess about the rest of them, because I don't think of  
22 them so much as individuals.

23 Q. Okay. All right. We'll ask Mrs. Jackson.

24 A. She can tell you all the details.

25 Q. Okay. All right. Let's go back to the

1 afternoon of December 19. So your wife then brought out  
2 the two dogs, Calae and Minnilinn; all right?

3 A. Um-hum.

4 Q. At that time was Minnilinn having any health  
5 issues?

6 A. Yes.

7 Q. What were the health issues?

8 A. We had made arrangements -- my wife had, not  
9 me -- my wife had made arrangements with the  
10 veterinarian to have her spayed.

11 Q. Okay.

12 A. And he said he would have her done shortly  
13 after the first of the year, barring any unforeseen  
14 medical problems. She began having a very heavy season  
15 on that particular -- the day before that -- at that  
16 particular time.

17 Q. Okay.

18 A. That's why we had made arrangements to go  
19 immediately over to Santa Cruz to have her attended to.

20 Q. Did you have an appointment there?

21 A. I believe so; yes.

22 Q. And what was the facility that you were going  
23 to?

24 A. Chanticleer Veterinary Clinic in Santa Cruz.

25 Q. Chanticleer Veterinary Clinic. Do you know

1 what street that's on?

2 A. Chanticleer Avenue. It's right off Soquel.

3 Q. Okay. All right. So is it correct that  
4 Minnilinn was hemorrhaging, was bleeding?

5 A. She was in season. I don't know -- she was  
6 having a very heavy season in any event.

7 Q. Was she wearing a diaper at that time?

8 A. My wife had a diaper on her; yes.

9 Q. Did she have any other health issues that you  
10 were aware of at that time?

11 A. No.

12 Q. For instance, was she having any dental  
13 problems at that time that you are aware of?

14 A. Not to my knowledge.

15 Q. Okay. So other than the fact that she was in  
16 season, as you say, you felt she was in good health?

17 A. Yes.

18 Q. What were the -- in the motorhome, all of the  
19 animals were kept in the motorhome; correct?

20 A. Yes.

21 Q. And how often were the dogs fed at that time?

22 A. We fed them once a day.

23 Q. What would they eat?

24 A. Iams dog food. I hyphen a-m-s. Lamb and rice  
25 dog food.

1 Morris had the tooth been extracted?

2 A. I don't know.

3 Q. Was it more than a year before?

4 A. Yes.

5 Q. Had you had Calae's jaw examined by a  
6 veterinarian?

7 A. I don't, I don't know. I really don't.

8 Q. All right. Are you aware of Calae having any  
9 problems with -- I'm sorry, is Calae a female? Do you  
10 know if it's --

11 A. Female; yes.

12 Q. Of course. I'm sorry. Whether Calae had any  
13 problems with her eyesight?

14 A. No.

15 Q. Are you aware as to whether she had any dental  
16 problems?

17 A. No.

18 Q. Did you feel that she was underweight at all  
19 at the time of the visit from Officer Morris?

20 A. No.

21 Q. Okay. So Officer Morris looks at the dogs  
22 outside the motorhome?

23 A. Those two dogs; yes.

24 Q. How long did that take?

25 A. A few minutes.

1 Q. Okay. Then what happened?

2 A. She came -- she said I'm coming in. I'm going  
3 to look at your dogs. You're homeless. And she pushed  
4 herself right on in.

5 Q. Okay. Was that the extent of the discussion?

6 A. Yes.

7 Q. Was there -- so is it your testimony that she  
8 did not ask to come in; she just said she was?

9 A. She did not ask. She said I'm coming in.

10 Q. Okay. And did you or your wife say anything  
11 in response to that?

12 A. I didn't say anything. I was outside. I  
13 guess my wife was outside also.

14 Q. Right.

15 A. My wife may have said something. But I don't  
16 recall what it was, if anything.

17 Q. Okay. And then what took place?

18 A. She came out.

19 Q. Okay.

20 A. She came out right away. She was only there a  
21 few moments and came right on out.

22 Q. So she went into the door of your motorhome?

23 A. She went right on in there.

24 Q. Did you follow her?

25 A. No; I stayed outside.

1 A. No, not -- no.

2 Q. At any point during this series of events did  
3 you give Officer Morris -- did you or your wife give  
4 Officer Morris permission to inspect the motorhome?

5 A. No.

6 Q. At the time that she went in, so as of that  
7 time period around one o'clock, did the motorhome have  
8 the smell of urine in it?

9 A. It could well have.

10 Q. Can you describe for me the dimensions or the  
11 size of the area that you were keeping the animals?

12 A. Well, the motorhome is 40 feet long and  
13 consists of three separate rooms. A rear bedroom, a  
14 bath, a kitchen, and a front room. Specifically the  
15 area, I couldn't quite -- I can't quite estimate that.  
16 But the cats were in two large condominiums as well as a  
17 medium sized condominium, and a small condominium.

18 Q. Okay. And in which of the rooms were the cats  
19 kept in?

20 A. Most of the cats were kept in the bedroom, the  
21 master bedroom. I guess -- we call it the master  
22 bedroom, the rear bedroom.

23 Q. Okay.

24 A. The bed had been removed, so it was flat for  
25 them.



1 Q. And, if you know, do you know the dimensions  
2 of that room?

3 A. No, I don't.

4 Q. Okay. All right. So you had two cat condos  
5 in that bedroom. Did those each have about six cats  
6 inside them?

7 A. Yes, those two did.

8 Q. And then you had a separate condo for the  
9 feral cats?

10 A. Yes; correct.

11 Q. And then you had a single cat that was in a  
12 crate?

13 A. No, not in a crate. In a smaller condominium.

14 Q. Which cat was that; do you remember?

15 A. No, I don't.

16 Q. Why was that cat in a separate crate, or  
17 condo, excuse me?

18 A. I don't remember. I don't recall that. I'm  
19 trying to think the name of the cat even.

20 Q. Okay. And was the feral cat or feral cats,  
21 were they kept in the rear bedroom also?

22 A. Yes. In the condominium in the rear bedroom;  
23 yes.

24 Q. Okay. So you had the -- were all 15 cats then  
25 kept in this rear bedroom?

1 A. Yes.

2 Q. Do you know if there was any -- I'll just  
3 describe it as fecal matter, poop, what have you, on the  
4 cages of -- inside these cages, of the condos at the  
5 time that Officer Morris would have been inspecting  
6 them?

7 A. Yes.

8 Q. Were there any flies or insects inside the  
9 motorhome at the time that Officer Morris would have  
10 been going in there?

11 A. There were. I want -- could I confer with  
12 Mr. Wilson for just a moment?

13 MR. HAZELWOOD: Yes, you can. Why don't we  
14 take a break. We've been going for a while. Take five.

15 (Recess taken.)

16 MR. HAZELWOOD: Back on the record.

17 Q. Mr. Jackson, at any time before December 19,  
18 2005, did you feel that you and your wife were over your  
19 heads in caring for these animals or that it was too  
20 much?

21 A. No.

22 Q. Okay. Let me show you some photographs that  
23 I'll represent to you were taken by the Silicon Valley  
24 Animal Control Authority. And I just want you to look  
25 at these and I'm going to ask you do these photographs

1 Silicon Valley Animal Control Authority officers then  
2 went into the motorhome. You remember one coming out  
3 with a camera at some point; correct?

4 A. Yes.

5 Q. And then at some point then, then the officers  
6 began to take the animals out?

7 A. Yes.

8 Q. All right. How long did that process take?

9 A. Oh, half an hour. Minimum half an hour, maybe  
10 an hour. Maximum. I was distraught, too.

11 Q. Okay. Did you have any discussion with the  
12 officers while this was going on?

13 A. Not the Silicon Valley officers, no, but the  
14 police officer. There was a male police officer with  
15 Ms. Soto. And he had a couple of comments to make.

16 Q. What were those?

17 A. I don't want any part of this is what he said.  
18 I don't like being here.

19 Q. Do you know that officer's name?

20 A. No, I don't.

21 Q. Can you describe him for me?

22 A. Probably Latin. Tall, a little heavy, 27.

23 Q. That's an approximate age?

24 A. Approximate age.

25 Q. Okay. Did you have any further conversation

1 Q. Do you recall receiving this document at any  
2 time?

3 A. No, I don't.

4 Q. Okay. Have you ever seen this document  
5 before?

6 A. No, I haven't.

7 Q. Now let's take the other portion, the  
8 Declaration of Ownership or Right to Keep Animal. Have  
9 you ever seen this document before?

10 A. Well, that's definitely my handwriting.

11 Q. Okay. Which -- is all of the handwriting on  
12 this portion of the document under Declaration of  
13 Ownership or Right to Keep Animal, is that all of your  
14 handwriting?

15 A. No; only my signature there.

16 Q. Is that your wife's signature there also?

17 A. Yes, it is.

18 Q. Okay. Do you remember seeing this document  
19 before?

20 A. No, I don't.

21 Q. Okay. Do you recognize the other handwriting  
22 that's on this portion?

23 A. Correct.

24 Q. Whose is it?

25 A. My wife's.

1 Q. Which areas of this document has your wife's  
2 handwriting?

3 A. The upper right-hand portion of the document.

4 Q. Okay. Where I believe -- can you read that  
5 for me?

6 A. Please make this --

7 Q. Hearing?

8 A. -- hearing as soon as possible. That's the  
9 declaration of a hearing that they were going to conduct  
10 or did conduct.

11 Q. Okay. All right.

12 A. And I do recognize that document.

13 Q. All right. And you have seen it before?

14 A. Yes.

15 Q. And do you remember when you first received  
16 this document?

17 A. We went to the animal control place where  
18 their offices were and got it there.

19 Q. Okay. When was that? Again if this incident  
20 takes place on December 19, when did you receive this as  
21 best you recall?

22 A. I can't specifically say that. I don't know  
23 what date it was. I know it was later. From the  
24 document here it had to be returned to them by the 29th,  
25 so --.

1 Q. All right. Do you recall having a hearing  
2 regarding the seizure of your animals?

3 A. Yes, I do recall a hearing; yes.

4 Q. Did you receive this document before the  
5 hearing took place?

6 A. Yes.

7 Q. Did you understand that this was a document so  
8 that you could request a hearing?

9 A. Yes.

10 Q. Okay. Why don't -- we're going to mark the  
11 single page which has the document or the document  
12 Notice Seizure of Animals and Declaration of Ownership  
13 or Right to Keep Animal as Defendant's next in order. I  
14 think it's I.

15 (Exhibit I was marked for identification.)

16 MR. HAZELWOOD: Q. Sitting here today,  
17 Mr. Jackson, do you recall whether you received either  
18 of those two documents that we marked as Exhibit I on  
19 the day that the incident occurred?

20 A. The one I mentioned specifically earlier, yes.  
21 This one here I do not recall.

22 Q. Okay. So the Declaration that we talked  
23 about, you think you got on the day of the incident?

24 A. Either later on the same day or the next day  
25 we went over to the office. I don't think it was the

1 same day.

2 Q. All right. The Notice of Seizure of Animals,  
3 you don't recall seeing that before?

4 A. I do not recall that.

5 Q. Okay. All right. So then a hearing was set,  
6 and my understanding is that took place three days later  
7 on December 22nd, 2005. Does that sound right to you?

8 A. Yes.

9 Q. Okay. Did you receive notice either in  
10 writing or by a telephone call that the hearing was  
11 going to go forward?

12 A. Yes.

13 Q. Okay. How did you become aware of the  
14 hearing?

15 A. I think it was by writing.

16 Q. Okay. Let me show you a letter from the  
17 Silicon Valley Animal Control Authority to Mr. and  
18 Mrs. Kenneth Jackson dated December 21, 2005. I want to  
19 ask if you have seen that letter before?

20 MS. FREEDMAN: I'm sorry, what was the date of  
21 the letter?

22 MR. HAZELWOOD: December 21, 2005.

23 THE WITNESS: Yes.

24 MR. HAZELWOOD: Q. Is this the notice that  
25 you received?

1 A. Yes. We did receive that.

2 Q. All right. And did you receive this in  
3 advance of the hearing?

4 A. Yes.

5 Q. Okay. Let's mark that as Exhibit J.

6 (Exhibit J was marked for identification.)

7 MR. HAZELWOOD: Q. All right. So then did  
8 you and your wife go to the hearing?

9 A. Yes.

10 Q. And where was the hearing held?

11 A. At their offices.

12 Q. Of Silicon Valley?

13 A. Of Silicon Valley Animal Control offices.

14 Q. Okay. Did both you and your wife go?

15 A. Yes.

16 Q. Did you have counsel with you?

17 A. No.

18 Q. Did you have anyone else attend on your  
19 behalf?

20 A. There were a couple of people in support of  
21 us, but nobody appeared on our behalf.

22 Q. I see. Who was there in support?

23 A. Mr. Mark Butler.

24 Q. Who is he?

25 A. He's an Assistant District Attorney, Santa



1 Clara County.

2 Q. All right.

3 A. And Judy Kucera.

4 Q. Did they speak at the hearing?

5 A. No, they did not.

6 Q. What took place at the hearing?

7 A. It was an in-house hearing, and there was no  
8 proper judge. There was a hearing officer from the  
9 Campbell Police Department.

10 Q. That was Captain Russ Patterson?

11 A. Yes.

12 Q. Why do you say he wasn't proper?

13 A. As far as I know he's not a judge.

14 Q. Do you have some understanding that the person  
15 who is conducting the hearing or overseeing the hearing  
16 has to be a judge?

17 A. I believe he should have been; yes.

18 Q. Who told you that?

19 A. My wife told that to me, and somebody told  
20 that to her.

21 Q. Do you know who told her?

22 A. No.

23 Q. Okay. Did you and your wife speak at the  
24 hearing?

25 A. My wife did.

1 Q. Did you have the opportunity to speak?

2 A. Yes. I guess I could have. Yes, I did ask a  
3 couple of questions.

4 Q. Did you choose to have your wife speak on your  
5 behalf?

6 A. Yes, she spoke. Yes, she did speak.

7 Q. All right. How long was the hearing?

8 A. Less than half an hour.

9 Q. Who else was there?

10 A. Antje Morris was there, Mr. Davis was there.  
11 And the director of the Animal Control Authority. I  
12 don't know his name.

13 Q. Dan Sazinski? Do you recognize that name?

14 A. Yes; that's he.

15 Q. Anybody else there?

16 A. No.

17 Q. Okay. Did you receive the decision that day  
18 with regard to the hearing?

19 A. I don't think it was the same day. I think it  
20 was maybe the next day, I think.

21 Q. What did you understand the hearing was about?

22 A. About whether they were going to seize our  
23 animals or not.

24 Q. Did you understand that the hearing was about  
25 whether -- well, the animals had been seized; correct?

1 A. Well, whether they were going to be kept.

2 Q. Okay. All right. And is it your recollection  
3 you did not receive a decision that day?

4 A. That is my recollection; yes.

5 Q. How did you learn about the decision?

6 A. By mail.

7 Q. By mail?

8 A. (Witness nods head.)

9 Q. Do you recall Captain Patterson advising you  
10 orally at the hearing that he felt that the impoundment  
11 of the animals was proper and justified?

12 A. Yes. Yes, I do remember that.

13 Q. Okay. And then did you receive a letter in  
14 follow-up from Captain Patterson?

15 A. Yes.

16 Q. Okay. Let me show you a letter dated  
17 December 22nd, 2005, from the City of Campbell Police  
18 Department. Do you recognize that letter?

19 A. I don't think I personally saw it, but I'm  
20 sure it's accurate.

21 Q. But you don't recall one way or the other --

22 A. I don't recall having personally read it, but  
23 I know it's accurate.

24 Q. What's accurate?

25 A. The letter itself.

1 cat was in?

2 A. I would say about three feet by five feet.

3 Q. Okay. Number 12, litter boxes contained large  
4 amounts of fecal matter.

5 A. I do not challenge that. I hadn't cleaned up  
6 that day.

7 Q. Number 13, the water bowls inside the cat  
8 condos were either empty or barely filled with water.  
9 Correct or incorrect?

10 A. I challenge that.

11 Q. Why?

12 A. Because I don't believe they were.

13 Q. Number 14, the cats appeared to have health  
14 problems, shriveled ears, and missing fur.

15 A. I don't know. I challenge that.

16 Q. But you don't know one way or the other?

17 A. I don't recognize any shriveled ears at all.  
18 And as far as the missing fur, I don't recognize that  
19 either.

20 Q. Okay. Number 15, some of the cats displayed  
21 signs of upper respiratory infection including sneezing  
22 and discharge from the eyes and nose.

23 A. I don't know.

24 Q. Okay. All right. Let me show you a further  
25 letter. This one is from Silicon Valley Animal Control

1 sobbing, constant crying, constant daily being upset.

2 Q. Where did she seek that treatment?

3 A. She went to a psychologist out in Los Gatos  
4 and another one here in Santa Clara.

5 Q. Do you know the names?

6 A. No, I don't.

7 Q. How many visits did she have?

8 A. Three or four at each place.

9 Q. All right.

10 A. You asked about the soreness possibly. She  
11 had soreness for some period of time around her neck  
12 there and on her wrist, too.

13 Q. Okay. How long did she have that?

14 A. The one on the neck I think about four weeks.  
15 The soreness on the neck I think about four weeks. And  
16 on the wrist longer than that, but I can't be specific.

17 Q. Did she have any medical treatment of any kind  
18 for the neck or the wrist?

19 A. No.

20 Q. All right. Do you know what came of the  
21 visits to the psychologist? Psychologists?

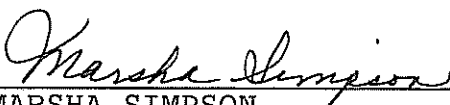
22 A. Psychologists. Not psychiatrists. She just  
23 -- she was comfortable during the visits, but it didn't  
24 really help -- neither psychologist really helped her at  
25 all. They were sympathetic, you know, but it didn't

1 R E P O R T E R ' S C E R T I F I C A T E

2  
3 I, MARSHA SIMPSON, a Certified Shorthand  
4 Reporter of the State of California, hereby certify that  
5 the witness in the foregoing deposition was by me duly  
6 sworn to tell the truth, the whole truth and nothing but  
7 the truth in the within-entitled cause; that said  
8 deposition was taken at the time and place therein  
9 stated; that the testimony of the said witness was  
10 reported by me, a duly certified shorthand reporter, and  
11 was thereafter transcribed by me or under my direction  
12 into typewriting; and that the witness was given an  
13 opportunity to read and, if necessary, correct said  
14 deposition and to subscribe the same.

15 I FURTHER CERTIFY that I am not of counsel or  
16 attorney for either or any of the parties in the  
17 foregoing deposition and caption named, or in any way  
18 interested in the outcome of the cause named in said  
19 caption.

20 IN WITNESS WHEREOF, I have hereunto set my  
21 hand this 12th day of June, 2008.

22   
23 MARSHA SIMPSON  
24 Certified Shorthand Reporter  
25 Certificate No. 2771  
State of California

**EXHIBIT 3**

CERTIFIED COPY

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

---oOo---

LEE JACKSON and KENNETH JACKSON,  
Plaintiffs,

vs.

No. C08-05667RS

SILICON VALLEY ANIMAL CONTROL  
AUTHORITY; CITY OF SANTA CLARA;  
CITY OF CAMPBELL; HUMANE SOCIETY  
SILICON VALLEY and DOES 1 to 20,

Defendants.

---

DEPOSITION OF LEOLA JACKSON

Wednesday, June 11, 2008

VOLUME I

Reported by:  
MARSHA SIMPSON  
CSR No. 2771

ROOMIAN & ASSOCIATES  
Certified Shorthand Reporters  
225 Bush Street, Suite 348  
San Francisco, CA 94104  
(415) 362-5920



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I N D E X

WITNESS: LEOLA JACKSON PAGE

Examination by Mr. Hazelwood 5

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EXHIBITS

N	Four-page Notice of Deposition	59
O	One-page color photograph	69
P	One-page black and white photograph	70
Q	One-page color photograph	70
R	One-page color photograph	71
S	One-page color photograph	72
T	One-page color photograph	72
U	One-page color photograph	73
V	One-page color photograph	73
W	One-page color photograph	73
X	One-page color photograph	74
Y	One-page color photograph	75
Z	One-page color photograph	75
AA	One-page color photograph	76
BB	One-page color photograph	76
CC	One-page color photograph	77

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1 BE IT REMEMBERED THAT, that, pursuant to  
2 Notice of Taking Deposition, and on Wednesday, the 11th  
3 day of June, 2008, commencing at the hour of 2:10 p.m.  
4 thereof at 96 North Third Street, Suite 500, San Jose,  
5 California, before me, MARSHA SIMPSON, a Certified  
6 Shorthand Reporter in the State of California, there  
7 personally appeared

8 LEOLA JACKSON,  
9 called as a witness herein, who, being by me first duly  
10 sworn, was thereupon examined and testified as is  
11 hereinafter set forth.

12  
13  
14 A P P E A R A N C E S

15 LAW OFFICE OF STUART M. WILSON, 1671 The  
16 Alameda, Suite 300, San Jose, California 95126,  
17 represented by STUART M. WILSON, Attorney at Law,  
18 appeared as counsel on behalf of Plaintiffs.

19 LOW, BALL & LYNCH, 505 Montgomery Street,  
20 Seventh Floor, San Francisco, California 94111,  
21 represented by MARK F. HAZELWOOD, Attorney at Law,  
22 appeared as counsel on behalf of Defendants Silicon  
23 Valley Animal Control Authority and City of Campbell.

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1 RANKIN, LANDSNESS, LAHDE, SERVERIAN & STOCK,  
2 96 North Third Street, Suite 500, San Jose, CA  
3 95112-5572, represented by ALYSSA T. NGUYEN, Attorney at  
4 Law, appeared as counsel on behalf of Defendant City of  
5 Santa Clara.

6 JOSEPH COSTELLA & ASSOCIATES, 215 Lennon Lane,  
7 Suite 200, Walnut Creek, California 94598, represented  
8 by KARREN FREEDMAN, Attorney at Law, appeared as counsel  
9 on behalf of Defendant Humane Society Silicon Valley.

1 A. Okay.

2 Q. Good. All right. Let me ask you some  
3 background questions. Can you give us your date of  
4 birth, please?

5 A. 5-15-21.

6 Q. And where were you born?

7 A. Mount Ayr, Iowa.

8 Q. And Ayr is A-y-r?

9 A. A-y-r.

10 Q. All right. And my understanding from the  
11 deposition of your husband earlier today is that you and  
12 Ken have been married for over 43 years?

13 A. Since 9-11-66.

14 Q. All right. And you have no children; correct?

15 A. No.

16 Q. All right. And where do you currently reside?

17 A. Well, we're temporarily in our motorhome.

18 Q. And that's -- what is the year and make and  
19 model of that motorhome?

20 A. 1996 Bounder.

21 Q. Okay.

22 A. Thirty-eight and a half foot. It's the  
23 biggest they make.

24 Q. Okay. How long have you had the motorhome?

25 A. Since 2000.

1 Q. And did you purchase that from Mr. Gonzalez?

2 A. Yes.

3 Q. Have you been using the motorhome as your  
4 residence since 2000?

5 A. Yes.

6 Q. And where do you keep the motorhome at this  
7 time?

8 A. Well, my husband works part-time, as you know,  
9 so we're there when he's working. And sometimes if we  
10 don't have something else to do, we stay there overnight  
11 because of the cost of gasoline today. So it depends  
12 upon what our plans are as to where we are and where we  
13 aren't.

14 Q. My understanding is that he's been working for  
15 the past four months or so at the Safeway store at  
16 Rivermark Plaza in Santa Clara?

17 A. Four months? He'll be there three years in  
18 September.

19 Q. Okay. That was my bad. That's right.

20 A. He started to work there September 25th, 2005.

21 Q. Okay. Prior to that he worked at Wal-Mart?

22 A. He worked at Wal-Mart from -- he was there  
23 nine and a half years. He left there in February of  
24 2005. February 25th, as a matter of fact, the same day.  
25 And the month. February 25th, 2005, he left Wal-Mart.

1 He'd been there nine and a half years. He had started  
2 in June.

3 MR. WILSON: Okay. He's not asking about  
4 that.

5 MR. HAZELWOOD: Q. Okay. So the same day  
6 that he stopped working at Wal-Mart he began working at  
7 Safeway?

8 A. No. He quit working --

9 Q. I'm sorry.

10 A. He quit working at Wal-Mart February 25th of  
11 2005.

12 Q. All right.

13 A. He started at Safeway September 25th, 2005.

14 Q. I got you. All right. Where are you  
15 keeping -- where do you keep the motorhome these days?

16 A. I already told you.

17 Q. All right, ma'am.

18 A. At Safeway when he's working there, and  
19 sometimes we stay over there if we don't have other  
20 plans to do something else. It depends upon our daily  
21 schedule, Mr. Hazelwood, as to where we go and where we  
22 don't and what we do and what we don't do.

23 Q. All right. Well, I will tell you your husband  
24 told us that the motorhome has been at the same location  
25 for the past four months. Is that incorrect?

1 even write down the correct names or the coloring of  
2 many of them.

3 Q. Was she taking notes while you were doing  
4 this?

5 A. She was writing it all down, Mr. Hazelwood.

6 Q. Okay. How do you know she didn't take it down  
7 correctly?

8 A. Because when I got the things just recently  
9 from the, through my attorney, they weren't correct.

10 Q. Okay. All right. At any point in time while  
11 Officer Morris was in your motorhome before you gave her  
12 the names did you object to her being in the motorhome?

13 A. I didn't take any time to talk to her. I was  
14 more interested in just letting her see them.

15 Q. All right. Did your husband have any  
16 conversation with Officer Morris while Officer Morris  
17 was in the motorhome before you gave her the names?

18 A. To my knowledge, no, I don't remember him -- I  
19 don't know. I don't remember him saying anything. I  
20 was very upset about Minni-Linn's health. That was more  
21 important to me at the time. I was worried about her.  
22 I wanted to get going.

23 Q. Okay. So you were outside and you were giving  
24 the names to Officer Morris. Then what happened?

25 A. Then she got on the telephone, and all of a

1 sudden everything came. Trucks, animal control, police  
2 department, everybody, all at once.

3 Q. All right. So that would have been  
4 representatives of the City of Santa Clara police?

5 A. Yes.

6 Q. And other employees or officers of Silicon  
7 Valley Animal Control Authority?

8 A. Yes.

9 Q. Any other organization that was there?

10 A. Not to my knowledge.

11 Q. Okay. How long from the time that Officer  
12 Morris made the call was it until these other officers  
13 arrived?

14 A. Within a few minutes; a few seconds, maybe.  
15 They had to be there waiting.

16 Q. Best estimate on the amount of time?

17 A. Oh, maybe three minutes.

18 Q. Can you recall who arrived first, the City of  
19 Santa Clara or the Silicon Valley Animal Control  
20 Authority?

21 A. No; I couldn't tell you that.

22 Q. Is it your recollection that they seemed to  
23 arrive around the same time?

24 A. The same time.

25 Q. Okay. All right. And from the time that



1 A. Yes.

2 Q. Okay. Do you know if there were any other  
3 Silicon Valley Animal Control Authority employees or  
4 officers there?

5 A. To my knowledge those were the only three.

6 Q. Okay. All right. So these officers from the  
7 two organizations arrived, and then what happened?

8 A. Well, then I felt that there was something  
9 happening, and I ran to the door to grab my motorhome  
10 door. I was going to go in and lock the door so nobody  
11 could come in.

12 Q. Why did you do that?

13 A. I didn't want anybody in.

14 Q. Okay. Then what happened?

15 A. And Davis comes running across the parking  
16 lot. I have ahold of the door, and he comes running  
17 across the parking lot and viciously grabs me by the arm  
18 with his left hand and rolls his fist and slams the  
19 door. And I said you're hurting me.

20 Q. And you said his left arm?

21 A. He grabbed me with his left -- my right arm  
22 with his left arm. Very viciously. He ran across the  
23 parking lot, grabbed me, twisted, and swung my body out.

24 Q. Okay. Then what happened?

25 A. And I said you're hurting me. And he still

1 held onto me. And he called Officer Soto to come and  
2 get me. I held onto the door and they pulled me away  
3 from it.

4 Q. And who pulled you away from it?

5 A. Well, I guess he did and she did, both of  
6 them.

7 Q. That's Officer Soto and Officer Davis?

8 A. Yes. Well, he's not a policeman. He's just  
9 an animal control man.

10 MR. WILSON: Do you mean Soto or Morris? You  
11 said Morris.

12 A. Officer Soto. Davis had ahold of me, and he  
13 called Soto, Officer Soto, to come get me. She is the  
14 police lady.

15 MR. WILSON: Okay. I'm sorry.

16 MR. HAZELWOOD: Q. Okay.

17 A. Morris never touched me.

18 Q. Okay. Then what happened?

19 A. Well, Officer Soto took ahold of me and walked  
20 me over to the patrol car.

21 Q. And how did -- how was she -- was she holding  
22 you during that time?

23 A. Yes.

24 Q. How was she holding you?

25 A. I don't know. She had ahold of my arm.

1 Q. Okay. Were you resisting at that point?

2 A. Well --

3 Q. Physically resisting?

4 A. Well, I don't know if I was physically  
5 resisting at that point, but later I did.

6 Q. And when you say later, what do you mean  
7 later?

8 A. Well, she took me over to the car, and the  
9 policeman standing there, he said open up the door and  
10 let that lady sit down. She wasn't even going to let me  
11 sit down. She was going to make me stand by the car.

12 So she opened up the door and I sat down. The  
13 police lady in front of me with a gun in her pocket.

14 Q. Did she ever touch the gun or do anything with  
15 the gun?

16 A. No. But when they started -- well, she held  
17 her hand on the gun. She kept her hand on the gun.

18 Q. At what point?

19 A. Well, through some of it. But when --

20 Q. I want to know specifically when.

21 A. Well, she had her hand on the gun when I sat  
22 down in the seat.


23 Q. All right. When you said she told the other  
24 officer to open the door, she was talking to the Santa  
25 Clara --

1 R E P O R T E R ' S C E R T I F I C A T E

2  
3 I, MARSHA SIMPSON, a Certified Shorthand  
4 Reporter of the State of California, hereby certify that  
5 the witness in the foregoing deposition was by me duly  
6 sworn to tell the truth, the whole truth and nothing but  
7 the truth in the within-entitled cause; that said  
8 deposition was taken at the time and place therein  
9 stated; that the testimony of the said witness was  
10 reported by me, a duly certified shorthand reporter, and  
11 was thereafter transcribed by me or under my direction  
12 into typewriting; and that the witness was given an  
13 opportunity to read and, if necessary, correct said  
14 deposition and to subscribe the same.

15 I FURTHER CERTIFY that I am not of counsel or  
16 attorney for either or any of the parties in the  
17 foregoing deposition and caption named, or in any way  
18 interested in the outcome of the cause named in said  
19 caption.

20 IN WITNESS WHEREOF, I have hereunto set my  
21 hand this 13th day of June, 2008.

22   
23 MARSHA SIMPSON  
24 Certified Shorthand Reporter  
25 Certificate No. 2771  
State of California